

REMARKS

The present amendment is submitted as a response to an office action issued August 18, 2008. The application consists of claims 1-13 and 16-29, of which claims 1 and 13 are currently amended.

Claim rejections USC 112

Claims 1-13 and 16-29 stand rejected under 35 U.S.C. 112, first paragraph, as not being supported by the specification. The Examiner is of the opinion that the different types of control of the heating of the wire should all be included in the independent claim. While applicants disagree with the Examiner, applicants have amended independent claims 1 and 13 as requested by the Examiner in order to expedite prosecution of the application.

It is noted that other patent application were filed by applicants where the added features, or portions thereof, are claimed. For example, the following applications were filed by applicants, 10/363,365 now US Patent no. 7,170,034, 10/380,804 now US Patent no. 6,825,445, 10/530,501 now US Patent no. 7,202,446, 11/044,881, 10/549,333, 11/571,763 and 11/571,753. It is submitted that none of these applications claim a blade configured to cut the hair which has been heated by the heated wire. Accordingly, applicants submit that no terminal disclaimer is required since the present claims patentable distinguish over the claims in the referenced applications at least due to this feature.

Claim rejections 102

Claims 1, 5-11, 13 and 16-22 stand rejected under 35 USC 102(b) as being anticipated by Solvinto (FR 2532878). Claims 1 and 13 are the only pending independent claims in the application. Applicants respectfully disagree with the rejection and submit that the Examiner has not provided a *prima facie* case of anticipation since the Examiner did not show all the claimed features in the prior art.

Specifically, claim 1 recites "an elongated heated wire suitable for heating hair growing from a skin surface; and at least one blade, placed at one side of the elongated heated wire, the at least one blade being situated and *configured to cut the hair which has been heated by the heated wire*". Similarly, claim 13 recites "heating a portion of a hair attached to the skin of a person to a temperature above 50°C by contacting the portion with an elongate wire heated above 50°C; and *cutting the hair at the heated portion with a blade.*" (emphasis added). Applicants submit that this feature is not taught nor suggested by Solvinto.

Solvinto teaches a hair cutting apparatus which is in the form of a pair of scissors. One of the branches serves as a rest while the other serves as a support for a metal wire capable of being heated. The metal wire, heated to a temperature of 700 - 1000° C, cuts the hair by heating it. Thus,

Solvinto does not have a blade configured to cut the hair which has been heated by the wire, simply because the heated wire already cuts the hair.

Accordingly, applicants submit that claim 1 and the claims dependent thereon are patentable over Solvinto.

Claim rejections 103

Claims 1, 5-13 and 16-25 stand rejected under 35 USC 103(a) as being unpatentable over Iderosa (US 5,065,515) in view of Solvinto and Ringler (US 2002/0151881).

Claims 2-4 and 26-29 stand rejected under 35 USC 103(a) as being unpatentable over Iderosa in view of Solvinto and Ringler and further in view of Hashimoto (US 6,043,457).

Applicants respectfully disagree with the rejection and submit that the Examiner has not provided a *prima facie* case of obviousness since the Examiner did not show how a combination of the references would result in the claimed invention. The Examiner indicates in his action that Iderosa shows all the limitations of the claimed invention except for the wire being heated to a temperature of at least 50°C, a temperature higher than 100°C, a temperature higher than 150°C, a temperature higher than 250°C, a temperature higher than 350°C, a temperature higher than 500°C or a temperature higher than 700°C. According to the Examiner, these features are obvious from Solvinto and Ringler. Applicants respectfully disagree.

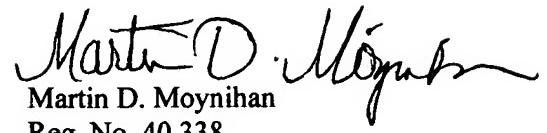
Iderosa discloses a shaving device where a heating means is mounted in the housing to pre-heat the hair being cut. The heating means softens the hair on the skin surface. The heating means in Iderosa must be at a low temperature. Otherwise the skin would be damaged.

The heating means of Solvinto and Ringler are adapted to be heated to a temperature above 50° since they are not adapted to come in proximity of the skin, particularly in Solvinto in the range of 700 – 1000 °C and in Ringler to 400 – 1000 °F. However, since in Iderosa's device the hair is heated before it is being cut, a person of ordinary skill in the art would not heat the heating means above 50°C, and certainly not to the ranges taught by Solvinto and/or Ringler.

It is further submitted that none of the cited art includes the feature added to claims 1 and 13 "wherein burning of the skin surface is prevented due to one or more of low mass of the wire, pulsed heating of the wire, heating the wire only when motion is detected and removal of the wire from skin contact when motion is not detected". The cited art does not require means for preventing burning of the skin, since the skin is either heated to a low temperature to avoid it being damaged (as in Iderosa for example), or the prior art heats the hair which is not in contact with the skin (as in Slovinto or Ringer).

In view of the above amendment and arguments, applicants submit that the claims are patentable over the cited art. A notice thereof is respectfully awaited.

Respectfully submitted,


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